

Claim 25, line 8, delete "respective".

Claim 25, line 9, change "each" to:--all--".

Claim 25, line 10, change "respective" to:--such--; also, before "commands" insert:--separate voice--.

Page 14, line 6 from bottom, after "receiver" insert:--RR, Figs. 1 and 2,--.

REMARKS

It is desired to thank the Examiner for telephonically discussing the outstanding final Office action with applicants' attorney on February 20th, and permitting the filing of a further amendment which it is hoped addresses all the issues of that action and finally places the application in condition for allowance.

First, the improper dependency of claim 19 was corrected by the amendment of November 3, 2000 (page 1, first amendment), depending the claim from claim 23.

Secondly, the drawings have been amended to add the required legend (using the exact words of the specification) without the introduction of new matter, as later discussed.

Thirdly, the rejection under 35 U.S.C. § 112, first paragraph, of claims 23-25 "as containing subject matter which was not described in the specification" has been obviated by the present amendment which causes these claims to embrace only what has been disclosed. Specifically, the Examiner has questioned that the disclosure embraces voice commands for the AM/FM radio component in the radio-entertainment deck system.

The specification made clear that while mechanical or gang switches were illustrated, "these functional controls are susceptible of microprocessor control...though, for illustrative and explanatory purposes, they are shown implemented by switches and gang-control lines in Fig. 1 which, in practice, can be software implemented as is well known". (page 9).

On page 14, the specification taught that "with the microprocessor control MC and the integration of tape deck and cellular radio telephone systems, the above sets of functions may readily be pre-formatted or pre-programmed for the desired options or modes".

The specification then further taught that "the controls shown to the left in Fig. 1 may be incorporated at or within the steering wheel structure" (page 16). The very first of the "controls shown to the left in Fig. 1" is "R-REC", which is directed specifically to the "messages or programs received by the vehicle AM/FM radio receiver RR ...by CONNECT C₃ (Fig. 2) ...and (OPTION 0₆) to record the same with the system of the invention (R-REC, Fig. 1)", pages 14 and 15.

The "Controls" of the "AM/FM Radio Receiver" RR are clearly shown by dotted gang lines in Fig. 1 as applied to the left-hand set of MC controls in Fig. 1; and the "Receiver AM/FM Broadcasts" block RR of Fig. 2 is clearly shown and described as associated with switch controls CONNECT C₅, C₃ and C₁.

The specification on page 16 continues with the disclosure that

"the controls shown to the left in Fig. 1...may be activated by voice commands, recognized by predesignated voice commands ...words or numbers, now fully implementable by well-known technology".

This clearly provides support that the AM/FM Radio is included among the other components for voice command control as well as such other components which the Office recognizes are also within this teaching.

As for "the driver" antecedent in claims 14, 16-20 and 22-27 (35 U.S.C. 112, second paragraph objection), claims 23-25 have been amended to recite "a driver", noting, also the antecedent for "a driver" in the second and third words of each these claims.

Turning, lastly, to the rejection of the claims under 35 U.S.C. § 103 as the "obvious" combination of the patent to Sano et al with the "voice controlled ...automatic starting of the tape recorder from a remote location" of the patent to Sato et al, none of the claims, particularly as amended, reads on any such proposed combination.

The Office appears to recognize that the patent to Sano et al does not even disclose any switching, remote or otherwise, of an entertainment deck or has anything to do with such, and certainly is, as the Office concedes, "silent as to voice-controlled switching".

The Office also appears to recognize that the patent to Sato et al is totally unrelated to a driver giving direct and live voice switching commands right at the steering wheel region of a vehicle to actuate multiple components of not only a vehicle entertainment deck but also of a cellular telephone, selectively—the clear requirements of applicants' claims.

Still, the Office considers that the claims, in using the word "respective", may be susceptible to dominating the use of "only...one" component (page 5, lines 15 and 16 of the Office Action), and as such, as possibly reading upon a combination of the references.

While not agreeing with this proposition, applicants have none-the-less further amended the claims to remove any such possible interpretation (misinterpretation) of the word "respective"; and to make very clear that the claims require a plurality (not just one) of pre-designated separate voice commands for the operation of the corresponding plurality of the entertainment deck components and of the cellular telephone as well (and the latter, separately).

Applicants submit, moreover, that there is no way any possible combination of the patents to Sano et al and Sato et al can respond to the specific requirement of the claims (such as claim 23), particularly as amended, of

"voice-controlled switching means disposed at said steering wheel region and programmed with a plurality of pre-designated separate voice commands for operation of all of said components and also of the cellular radio telephone; the voice-controlled switching means being responsive to the driver speaking such pre-designated commands live at said steering wheel region for thereupon effecting the actuating of the corresponding control switch."

Precisely the same voice-controlled switching means

"responsive to the driver speaking such pre-designated commands live at said steering wheel region for thereupon effecting the activating of said control switch"

is required, also, by claims 24 and 25.

Reconsideration and allowance are accordingly deemed to be in order and are respectfully requested.

If, however, the Office still views the claims as anticipated by the references (and even though the Office has provided not a single word of rebuttal to applicants' earlier showing of the impossibility of reading the above-quoted limitations on any possible combination of the references), entry of this amendment as clarifying the issues for appeal is respectfully requested.

And, in such connection, applicants would respectfully call the attention of the Office to the recent admonitions of the Court of Appeal for the Federal Circuit against reading into the prior art that which is not actually there suggested.

[*(In Re Roufett, 149 F3d 1350, 47 U.S. P.Q. 2d 1453 (Fed. Cir. 1998))*]:

"...the suggestion to combine requirement stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness".

And in *In re Dembiczak, 175 F. 3d 994, 50 U.S.P. Q. 2d 1614 (Fed. Cir. 1999)*, the Court also criticized

"the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher".

Any costs, including for extensions of time required herein, petition for which is hereby made, are to be charged to Deposit Account No. 18-1425 of the undersigned attorney.

Respectfully submitted,

RINES AND RINES

By: 
Robert H. Rines
Registration No. 15,932

Date: February 28, 2001
RINES AND RINES
81 North State Street
Concord, NH 03301
Tel: (603) 228-0121

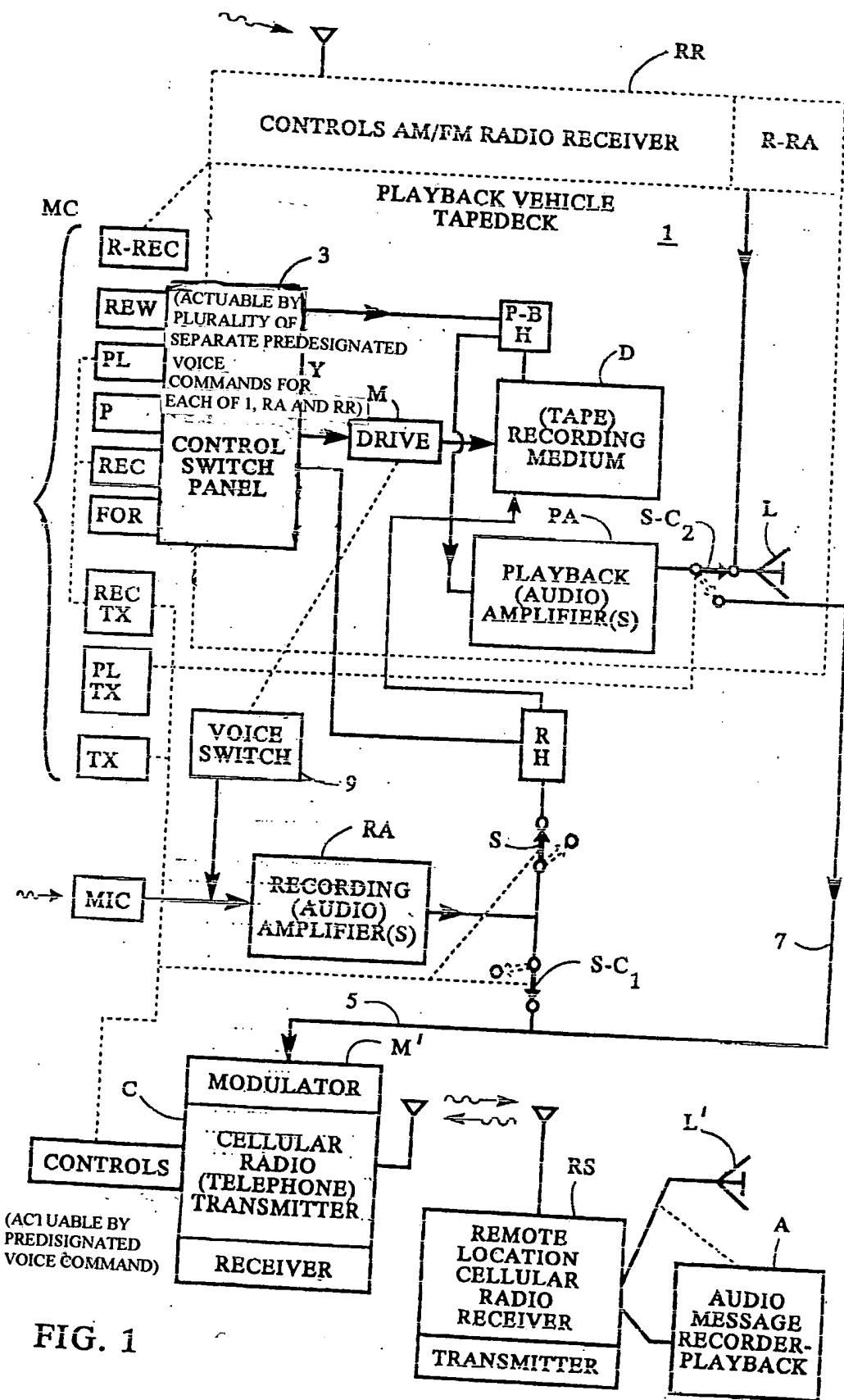


FIG. 1